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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OLC 74-2482

3 DEC 1974

The Honorable John C. Stennis, Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

It is understood that S. 3394 contains certain language bearing on the operations of this Agency:

> "No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency or any otner agency of the United States Government for the conduct of operations in foreign countries pursuant to section 102 (d)(5) of the National Security Act of 1947 (50 U. S. C. 403), other than operations intended solely for obtaining necessary intelligence. Notwithstanding the foregoing limitation, the President may authorize and direct that any operation in a foreign country be resumed, or that any other operation in a foreign country be initiated, and funds may be expended therefor, if, but not before, he (1) finds that such operation is important to the national security and (2) transmits an appropriate report of his finding, together with an appropriate description of the nature and scope of such operation, to the committees of the Congress having jurisdiction to monitor and review the intelligence activities of the United States Government.
>
> "(b) The provisions of subsection (a) of this section shall not apply during military operations by the United States under a declaration of war approved by the Congress or an exercise of powers by the President under the War Powers Resolution. (Public Law 93-148)."

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As you know, this language is similar but not identical to the language proposed in your own bill, S. 2597:

> "(5) to perform such other functions and duties related to foreign intelligence affecting the national security as may be specifically directed from time to time by the Council and reported to the Congress in such manner and in accordance with such procedures as the Congress may establish to insure effective legislative oversight with due recognition of essential security requirements."

It is my understanding that the proposed language above, S. 3394, "committees of the Congress having jurisdiction to monitor and review the intelligence activities of the United States Government," refers to the long-established procedures of the Congress by which our activities are reviewed by subcommittees of the Appropriations and Armed Services Committees. It is my position that the arrangements for oversight of this Agency must be determined by the Congress, but I make a strong recommendation that this be handled in a manner reflecting the sensitivity and difficulty of keeping secret some of these delicate matters. The current procedure has worked well since the inception of this Agency, and as you know, my own agreements with you are to provide this kind of information to you. If the above language is construed to require exposure beyond the scope determined by the long-standing tradition of the Senate or by a new procedure adopted by the Senate with full consideration of the need to protect these secrets, I question this language in the Foreign Assistance Act and suggest that the matter might better be handled through the proposal made by you in S. 2597 after due hearings and discussion on this subject.

Since the reporting requirements under S. 3394 are imposed upon the President, the statements above should not be interpreted as representing the President's views on this matter.

Sincerely,

SIGNED

W. E. Colby
Director

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